

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TOMAS RODRIGUEZ,

Plaintiff,

v.

RN EDGE,

Defendant.

ORDER

Case No. 16-cv-578-wmc

Pro se plaintiff Tomas Rodriguez is proceeding in this lawsuit against defendant Nurse Beth Edge on Eighth Amendment deliberate indifference claims related to Edge's responses to Rodriguez's requests for medical care in November 2015 and February and March of 2016. On October 28, 2020, the court gave Rodriguez until November 11, 2020, to file a response to defendant's motion for summary judgment, warning him that his failure to respond would cause the court to dismiss his claims in this lawsuit for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. #53.) On November 12, 2020, the day after that deadline passed, Rodriguez filed a request for an extension of this lawsuit. (Dkt. #54.) The court granted that request, giving Rodriguez until November 30, 2020, to oppose defendant's motion. (Dkt. #55.) That second deadline has passed, and Rodriguez has neither responded to defendant's motion, nor contacted the court seeking another extension or otherwise communicating an interest in pursuing his claims in this lawsuit. Given that a month has passed since Rodriguez's second deadline to respond to defendant's motion, the court now finds it appropriate to Rodriguez's claims in this lawsuit with prejudice for failure to prosecute. *See James v. McDonald's Corp.*, 417 F.3d

672, 681 (7th Cir. 2005) (district court has inherent authority to dismiss a lawsuit *sua sponte* for failure to prosecute).

ORDER

IT IS ORDERED that:

- 1) Plaintiff Tomas Rodriguez's claims in this lawsuit are DISMISSED with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).
- 2) The clerk of court is directed to enter judgment accordingly and close this case.

Dated this 4th day of January, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge